

Message Text

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LIMITED OFFICIAL USE SECTION 1 OF 2 ASUNCION 5331

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E.O. 11652: N/A
TAGS: SHUM, PA
SUBJECT: HUMAN RIGHTS REPORT ON PARAGUAY

REF: STATE 306618

SUGGESTED EMBASSY CHANGES AND UPDATING OF THE UNCLASSIFIED
HUMAN RIGHTS REPORT ON PARAGUAY TRANSMITTED REFTEL ARE
INCORPORATED IN THE FOLLOWING TEXT: BEGIN TEXT:

I. POLITICAL SITUATION

PRESIDENT ALFREDO STROESSNER HAS RULED PARAGUAY SINCE 1954.
ALTHOUGH DEMOCRATIC IN FORM, THE SYSTEM OF GOVERNMENT IS
BASICALLY AUTHORITARIAN. THE 1967 CONSTITUTION PROVIDES
FOR THREE SEPARATE BRANCHES OF GOVERNMENT - EXECUTIVE,
LEGISLATIVE AND JUDICIAL - BUT IN FACT ALL IMPORTANT POWERS
ARE HELD BY THE PRESIDENT. A PROCESS IS NOW UNDERWAY TO
AMEND THE CONSTITUTION TO ALLOW PRESIDENT STROESSNER TO
SUCCEED HIMSELF WHEN HIS PRESENT TERM EXPIRES IN 1978.
THE THREE OFFICIALLY RECOGNIZED OPPOSITION PARTIES
HAVE SHOWN THEMSELVES INCREASINGLY INCLINED TO SPEAK
OUT AGAINST THE CONSTITUTIONAL AMENDMENT, AND HUMAN
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RIGHTS ABUSES. THESE CRITICISMS HAVE BEEN REFLECTED
IN THE PRESS.

II. LEGAL SITUATION

THE PARAGUAYAN CONSTITUTION OF 1967 PROVIDES GUARANTEES

FOR A WIDE RANGE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS. HOWEVER, UNDER A STATE OF SIEGE PROCLAIMED UNDER ARTICLE 79 OF THE PARAGUAYAN CONSTITUTION, CONSTITUTIONAL AND OTHER LEGAL GUARANTEES, SUCH AS FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION, AND GUARANTEES AGAINST ARBITRARY DETENTION AND ARREST AND SEARCH WITHOUT WARRANT CAN BE SUSPENDED OR ABRIDGED. A STATE OF SIEGE HAS BEEN IN EFFECT CONTINUOUSLY FOR THE PAST 30 YEARS. THE EXISTENCE OF TERRORIST ACTIVITIES IN NEIGHBORING ARGENTINA AND THE ALLEGED DISCOVERY OF TERRORIST PLOTTING WITHIN PARAGUAY LAST APRIL PROVIDE THE CURRENT RATIONALE FOR THE CONTINUATION OF THE STATE OF SIEGE. HOWEVER, HIGH GOVERNMENT OFFICIALS, WHILE INDICATING NATIONAL SECURITY REMAINS ONE OF THEIR CHIEF CONCERN HAVE MAINTAINED THAT THE GOVERNMENT WILL BRING TO TRIAL MOST OF THE DETAINEES ARRESTED UNDER STATE OF SIEGE FOR VIOLATING BROADLY WORDED ANTI-SUBVERSIVE LAWS. ARRESTS HAVE VIRTUALLY CEASED OVER THE PAST SIX MONTHS. DURING THE SAME PERIOD A SUBSTANTIAL NUMBER OF PERSONS PREVIOUSLY ACCUSED OF BEING SUBVERSIVES HAVE BEEN FREED. THE REMAINING DETAINEES, ABOUT 340, HAVE BEEN MOVED TO A NEW PRISON FACILITY WHICH OFFERS BETTER LIVING CONDITIONS. THE PARAGUAYAN GOVERNMENT RELEASED 26 POLITICAL PRISONERS ON NOVEMBER 25, 1976.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS:

A. INTEGRITY OF THE PERSON:

ARTICLE 3: THE PARAGUAYAN CONSTITUTION GUARANTEES THE INVIOABILITY OF LIFE, LIBERTY AND SECURITY OF PERSON. LIMITED OFFICIAL USE

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FOR 30 YEARS THE GOVERNMENT HAS USED STATE OF SIEGE PROVISIONS WITHOUT JUDICIAL RESTRAINT TO DEPRIVE SOME INDIVIDUAL OF LIFE, LIBERTY, AND SECURITY OF PERSON.

ARTICLE 5: ARTICLE 65 OF THE CONSTITUTION PROCRIBES TORTURE. PRISONERS SUSPECTED OF SUBVERSIVE ACTIVITIES ARE USUALLY SUBJECTED BY INVESTIGATING OFFICIALS TO HARSH TREATMENT, REPORTEDLY SOMETIMES INCLUDING TORTURE. THE CATHOLIC CHURCH AND OPPOSITION PRESS HAVE CONDEMNED THE GOVERNMENT FOR ALLOWING INSTANCES OF TORTURE TO GO UNPUNISHED.

ARTICLE 8: THE RIGHT TO OBTAIN LEGAL REDRESS FOR VIOLATIONS OF THEIR RIGHTS IS NOT AVAILABLE TO DETAINEES HELD UNDER THE STATE OF SIEGE.

ARTICLE 9: STATE OF SIEGE PROVISIONS PERMIT THE AUTHORITIES TO SUSPEND GUARANTEES AGAINST ARBITRARY

ARREST OR DETENTION. IN THE PAST MANY PERSONS HAVE GONE INTO EXILE UNDER DURESS BUT THE GOVERNMENT HAS NOT CONSISTENTLY USED INVOLUNTARY EXILE AS PUNISHMENT AND THE PRACTICE HAS VIRTUALLY CEASED.

ARTICLE 10: IN THE PAST HEARING BY IMPARTIAL TRIBUNALS TO DETERMINE THEIR RIGHTS HAVE NOT BEEN AVAILABLE TO DETAINEES HELD UNDER STATE OF SIEGE PROVISIONS.

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ARTICLE 11: THERE IS NO REQUIREMENT FOR TRIAL FOR PERSONS HELD UNDER STATE OF SIEGE PROVISIONS. HOWEVER, THE PARAGUAYAN GOVERNMENT MAINTAINS IT INTENDS TO MAKE IT A GENERAL PRACTICE TO BRING TO TRIAL UNDER THE ANTI-SUBVERSIVE LAWS ALL DETAINEES AGAINST WHOM THERE IS SOLID EVIDENCE, AND RELEASE THE REST. IN 1975, FOR THE FIRST TIME, 13 ACCUSED SUBVERSIVES WERE BROUGHT TO TRIAL, AND THE TRIALS OF ABOUT 40 OTHERS HAVE JUST BEGUN.

B. OTHER FREEDOMS: PARAGUAY IS LARGELY FREE FROM DISCRIMINATION BASED ON RACE, RELIGION AND SEX. IN GENERAL, PARAGUAYANS ARE FREE TO MOVE WITHIN THE COUNTRY AND TO GO ABROAD. SOME LIMITATIONS HAVE BEEN IMPOSED ON MOVEMENT UNDER STATE OF SIEGE GROUNDS, BUT THE NUMBERS OF INDIVIDUALS AFFECTED HAVE BEEN RELATIVELY SMALL. PARAGUAYANS HAVE THE RIGHT TO OWN PROPERTY. OFFICIAL GOVERNMENT POLICY SUPPORTS THIS RIGHT. THE CONSTITUTIONAL GUARANTEE OF FREEDOM OF RELIGION IS RESPECTED IN PARAGUAY. THE STATE OF SIEGE CONDITIONS THE RIGHTS OF ASSEMBLY AND ASSOCIATION. THE GOVERNMENT

HAS LEGALIZED THREE OPPOSITION PARTIES IN
PARAGUAY. THEY HAVE SHOWN THEMSELVES INCREASINGLY
INCLINED TO SPEAK OUT AGAINST HUMAN RIGHTS ABUSES.
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UNDER THE STATE OF SIEGE THE GOVERNMENT MAY CENSOR AND
SUPPRESS PUBLICATIONS, BAN PUBLIC MEETINGS AND PERMIT
POLICY ENTRY OF PRIVATE PREMISES WITHOUT WARRANT.
WITH THE EXCEPTION OF PERSONAL CRITICISM OF THE
PRESIDENT OR HIS FAMILY, OR OF THE ARMED FORCES AS
AN INSTITUTION, THE PRESS IS GENERALLY FREE TO
CRITICIZE THE GOVERNMENT. THERE HAS BEEN ACTIVE PUBLIC
DEBATE RELATING TO HUMAN RIGHTS, THE AMENDING OF THE
CONSTITUTION AND OPEN CRITICISM OF GOVERNMENT POLICIES IN
A NUMBER OF OTHER AREAS, ALL OF WHICH HAVE BEEN REPORTED
FREELY IN THE PRESS. FOR EXAMPLE, THE MOST RECENT REPORT
ON PARAGUAY BY THE INTERNATIONAL LEAGUE FOR HUMAN RIGHTS
HAS BEEN PUBLISHED BY AN OPPOSITION WEEKLY.
THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS HAS
INVESTIGATED CLAIMES OF GENOCIDE AGAINST THE ACHE
INDIANS BY THE PARAGUAYAN GOVERNMENT. A REPORT HAS NOT
YET BEEN ISSUED. HOWEVER, THE COMMISSION'S ANNUAL REPORT
FOR 1975 NOTED THAT THE COMMISSION PROVISIONALLY ACCEPTS
THE PRELIMINARY CONCLUSION THAT THE PARAGUAYAN
GOVERNMENT'S POLICY IS NOT ONE OF GENOCIDE OF THE
ACHE BUT RATHER A POLICY ORIENTED TOWARD THE
ASSIMILATION OF THE INDIANS.

EMBASSY FIELD TRIPS HAVE FAILED TO CONFIRM ANY OFFICIAL
POLICY OF ABUSE AND IN FACT HAVE SHOWN LIVING CONDITIONS
ON THE GOVERNMENT'S NATIONAL COLONY FOR THE ACHE GUAYAKI
TO BE BETTER THAN IN THE NEARBY FARMS OF POOR PARAGUAYANS.
THIS DOES NOT, HOWEVER, PRECLUDE THE POSSIBILITY THAT
ABUSES BY PRIVATE INDIVIDUALS OCCUR AGAINST THE
INDICANS LIVING OUTSIDE THE COLONY.

FREEDOM HOUSE LISTS PARAGUAY AS "PARTLY FREE."
BRIGGS

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